

## ONE HUNDRED AND FIRST DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, August 15, 1876. }

The Senate met pursuant to adjournment. President *pro tem.* in the chair. Roll called. Quorum present. Prayer by the Chaplain.

The journals of yesterday adopted.

Senator Moore presented the petition of the County Judge, County Attorney, and the jurors of the County Court of McLennan county, "asking that the penalty in convictions for assault and battery be changed from, 'not less than one hundred, and not more than one thousand dollars,' to, 'not more than one thousand dollars and imprisonment not more than two years,' leaving it to the discretion of the jury, so that for slight offenses of this character, particularly in little 'assaults' between colored married parties, that the fines may be less than \$100. That the present law is so rigid that parties guilty of small offenses are allowed to escape without punishment, rather than that heavy penalties should be imposed."

Referred to Judiciary Committee No. 2.

Senator Terrell, from the Committee on Public Buildings, submitted the following report:

*Hon. Wells Thompson, President pro tem. of the Senate :*

Your Committee on Public Buildings and Grounds, to whom was referred Senate Joint Resolution No. 334, "Providing for the leasing and care of the block or lot of land in the city of Austin, lying north of the State Capitol, and known on the map of said city, now on file in the General Land Office, as 'College Hill,'" have had the same under consideration, and herewith report a substitute and recommend its passage.

TERRELL, *for Committee.*

The caption of the substitute for the joint resolution is as follows:

"Joint Resolution No. —, providing for the leasing of three hundred feet square in the block or lot of land in the city of Austin, lying north of the State Capitol, and known on the map of said city, now on file in the General Land Office, as College Hill."

Senator Storey, Chairman of the Committee on Finance, submitted the following reports:

*Hon. Wells Thompson, President pro tem. of the Senate :*

Your Committee on Finance, to whom was referred Senate Bill No. 391, "An Act to provide for the payment of claims for purchases of books, apparatus and furniture for public schools, made by Boards of School Directors under the authority of an act entitled, 'An Act to establish a system of public free schools for the State of Texas,' approved August 13, 1870, and under 'An Act to organize and maintain a system of public free schools in the State of Texas,' approved April 24, 1871," have had the same under consideration, and instruct me to report it back, and recommend that it do pass.

STOREY, *Chairman.*

*Hon. Wells Thompson, President pro tem. of the Senate :*

Your Committee on Finance, to whom was referred Senate Bill No. 393, "An Act supplementary to, and amendatory of, 'An Act to make an appropriation for the fiscal year beginning September 1, 1875, and

ending August 31, 1876, and previous years," have had the same under consideration, and report it back, and recommend its passage.

STOREY, *Chairman.*

Senator Terrell, from Judiciary Committee No. 1, submitted the following report:

*Hon. Wells Thompson, President pro tem. of the Senate:*

Your Judiciary Committee No. 1, to whom was referred House Bill No. 355, entitled "An Act to amend an act entitled, 'An Act to organize the County Courts, and define their powers and jurisdiction,' approved June 16, 1876," have had the same under consideration, and beg leave to report the same back, and recommend its passage, with the following amendment:

In Section 1, line 3, change the figure, "5," to, "6."

TERRELL, *for Committee.*

Senator Moore introduced a bill entitled: "An Act to amend Article 491 of the penal code, and define the punishment for an aggravated assault and battery."

Read by caption, and referred to Judiciary Committee No. 2.

Senator Douglass introduced a bill entitled: "An Act regulating elections."

On motion of Senator Douglass, the bill was referred to a select committee of three.

Senators Douglass, Henry F. M. and Brady were appointed as said committee.

Senator Burton introduced a joint resolution, "Requiring the Governor to send a committee of three Senators to investigate the killing of certain colored persons in Wharton county, by unknown parties," etc.

Referred to the Committee on State Affairs.

Senator Douglass, from the Committee of Conference on House Bill No. 37, submitted the following report:

*Hon. Wells Thompson, President pro tem. of the Senate:*

The Conference Committee appointed on the differences of the two Houses on House Bill No. 37, "An Act regulating the assessment of taxes," have considered the same, and submit the following report:

That the House concur in Senate amendment No. 1.

That the Senate recede from its amendment No. 2.

That the House concur in Senate amendment No. 3.

That the House concur in Senate amendment No. 4.

That the House concur in Senate amendment No. 5.

That the House concur in Senate amendment No. 6.

GUY,	}	<i>Senate Committee.</i>
DOUGLASS,		
STOREY,		
McCOMB,	}	<i>House Committee.</i>
COCHRAN,		
WURZBACH,		

The report of committee adopted.

Senator Terrell, from Judiciary Committee No. 1, by leave, submitted the following report:

*Hon. Wells Thompson, President pro tem. of the Senate:*

Your Judiciary Committee No. 1, to whom was referred House Bill

No. 407, entitled, "An Act providing for the filling of vacancies in the offices of County Treasurer, County Surveyor, and Hide Inspector," have had the same under consideration, and beg leave to report the same back, and recommend its passage. *TERRELL, for Committee.*

The following House Bills were taken up by the President *pro tem.*, and referred to appropriate committees :

House Bill No. 218—"An Act to provide for the enforcement of contracts for labor."

Referred to Judiciary Committee No. 2.

Substitutes for House Bills Nos. 172 and 397—"An Act to establish a general apprentice law, and defining the obligations of master and mistress and apprentice."

Referred to Judiciary Committee No. 2.

Substitute for House Bill No. 275, "An Act to authorize the Comptroller of Public Accounts to issue duplicate warrants."

Referred to the Committee on Finance.

House Bill No. 411, "An Act to make an appropriation for the years 1877, 1878," etc., being the unfinished business, was taken up.

The pending motion of Senator Smith, to reconsider the vote adopting Senator Crain's second amendment, offered on yesterday, was withdrawn.

The consideration of House Bill No. 411 was resumed.

A message was received from the House, announcing the passage by that body of the following bills:

House Bill No. 438—"An Act supplementary to an act entitled, 'An Act to amend an act to fix the times for holding the terms of the District Court for the Seventeenth Judicial District, including the county of McCulloch,'" approved July 29, 1876.

House Bill No. 437—"An Act to better regulate grand juries and juries in civil and criminal cases, in the courts of the State, and to amend Sections 9 and 17 of 'An Act to regulate grand juries and juries in civil and criminal cases, in the courts of this State,'" approved August 1, 1876.

Senator Ball offered the following amendment:

In page 10, in line 20, strike out all the figures in columns 1, 2 and 3, and insert, in first and second columns, "\$500;" in third column, "\$166.66."

Adopted.

Senator Terrell offered the following amendment:

In page 8, line 4, of printed bill, under head of "Land Office," strike out, "\$1,600," in first and second columns, "\$533.33 $\frac{1}{2}$ ," in third column; and insert, "\$1,800," in first and second columns, and "\$600," in third column.

Lost.

Senator Francis offered the following amendment:

In page 10, under head of "Deaf and Dumb Asylum," amend committee's amendment for lines 12 and 13 by striking out, "\$456," in first and second columns, and inserting, "\$480."

In column 3, strike out and insert, "\$160."

Lost.

Senator Edwards offered the following amendment:

In page 5, line 4, under head of, "Treasury Department," strike out



all after the word, "book-keeper," and insert, "\$1,800," in first column, "\$1,800," in second column, and "\$600," in third column.

Adopted.

Senator Storey offered the following amendment:

Insert before Section 2, under head of, "Department of Insurance, Statistics and History," "For salary of Commissioner, \$2,000," in first column, "\$2,000," in second column, and "\$666.66 $\frac{2}{3}$ ," in third column.

"For salary of Clerk, \$1,200," in first column, "\$1,200," in second column, and "\$400," in third column.

"For postage, printing, wood and lights, \$500," in first column, "\$500," in second column, and "\$166.66 $\frac{2}{3}$ ," in third column.

Adopted.

Senator Francis moved to reconsider the vote adopting the 9th amendment of the committee.

Senator Crain moved the previous question on the amendment.

Seconded, and the main question ordered by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Burton, Crain, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Henry F. M., McCormick, McCulloch, Moore, Motley, Piner, Ripetoe, Stephens, Terrell—20.

NAYS—Senators Brady, Storey, Thompson—3.

NOT VOTING—Senators Ledbetter, Smith—2.

Senator Francis' motion to reconsider was carried by the following vote:

YEAS—Senators Blassingame, Brown, Burton, Francis, Grace, Henry J. R., Henry F. M., McCormick, McCulloch, Moore, Motley, Ripetoe, Stephens—13.

NAYS—Senators Ball, Brady, Crain, Douglass, Ford, Ledbetter, Piner, Storey, Terrell, Thompson—10.

NOT VOTING—Senators Edwards, Smith—2.

The amendment of the committee, just considered, was adopted by the following vote:

YEAS—Senators Ball, Brady, Brown, Crain, Douglass, Edwards, Ford, Ledbetter, McCulloch, Piner, Ripetoe, Smith, Storey, Terrell, Thompson—15.

NAYS—Senators Blassingame, Burton, Francis, Grace, Henry J. R., Henry F. M., McCormick, Moore, Motley, Stephens—10.

Senator Ledbetter in the chair.

Senator Douglass offered the following amendment:

In Section 1, under the subdivision, "General Land Office," add after line 23, the following, "for extending file-rooms," "\$500."

Adopted.

Under subdivision, "Public Buildings and Grounds," in line 2, strike out, "\$500," whenever it occurs, and insert, "\$200;" strike out, "\$200," in third column, and insert, "\$66.66 $\frac{2}{3}$ ."

Adopted.

Senator Crain offered the following amendment:

Under heading, "General Land Office," page 8, line 13, in first and second column, insert, "\$18,000," instead of, "\$15,570," and in third column insert, "\$6,000," in lieu of, "\$5,250."

Lost.

Senator Storey offered the following amendment:

"For salaries of five Commissioners to digest the laws of the State,

\$12,500," in first column, and "\$12,500," in second column, "or so much thereof as may be necessary."

Senator Brady moved to strike out "\$12,500," in second column of the amendment of Senator Storey.

Lost, and Senator Storey's amendment adopted.

Also, the following: In line 14, under head of, "Land Office," strike out, "\$1,800," and "\$600," where they occur, and insert, "\$2,000," in first column, "\$2,000," in second column, and "\$666.66 $\frac{2}{3}$ ," in third column.

Adopted.

Senator Grace offered the following amendment:

In page 8, under heading of "General Land Office," in line 10, strike out all after the words, "Corresponding Clerks," and insert, "\$2,880," in first column, "\$2,880," in second column, and "\$960," in third column.

Adopted.

President *pro tem.* in the chair.

Senator Crain offered the following amendment:

In page 11, under head of "Penitentiary," strike out line 2.

Lost by the following vote:

YEAS—Senators Crain, Ledbetter—2.

NAYS—Senators Ball, Blassingame, Brady, Brown, Burton, Douglass, Edwards, Francis, Ford, Henry J. R., Henry F. M., McCormick, McCulloch, Moore, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—22.

NOT VOTING—Senator Grace—1.

Senator Storey offered the following amendment:

Substitute for line 2: "For building two branch penitentiaries, \$75,000," in first column, "\$200,000," in second column, and "\$35,000," in third column.

Senator Edwards offered the following substitute for Senator Storey's amendment:

Add after line 3, to penitentiary section: "For erecting branch penitentiary, \$260,000," in second column, and "\$100,000," in third column.

Accepted by Senator Storey.

Senator Smith moved the previous question on the amendments and the passage of the bill.

Seconded, and the main question ordered.

The amendment of Senator Storey, as amended by Senator Edwards, was lost by the following vote:

YEAS—Senators Brown, Edwards, Francis, Stephens, Storey, Terrell—6.

NAYS—Senators Ball, Blassingame, Brady, Burton, Douglass, Henry J. R., Henry F. M., Ledbetter, McCormick, McCulloch, Moore, Motley, Piner, Ripetoe, Smith, Thompson—16.

NOT VOTING—Senators Crain, Ford, Grace—3.

The bill passed to a third reading.

Senator Storey moved to suspend the rules and place the bill on its third reading.

Carried by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Douglass, Edwards, Francis, Henry J. R., Henry F. M., Ledbetter, McCormick, McCulloch, Moore, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—22.

NAYS—None.

NOT VOTING—Senators Crain, Ford, Grace—3.

Bill read third time and passed by the following vote:

YEAS—Senators Ball, Brown, Douglass, Edwards, Francis, Henry J. R., Ledbetter, McCulloch, Moore, Motley, Piner, Ripetoe, Stephens, Storey, Terrell, Thompson—16.

NAYS—Senators Blassingame, Brady, Burton, Henry F. M., McCormick, Smith—6.

NOT VOTING—Senators Crain, Ford, Grace—3.

Senator Storey moved to reconsider the vote just taken.

Senator Francis moved to lay the motion on the table.

Carried.

Senator Ball, for the Committee on Enrolled Bills, submitted the following report:

*Hon. Wells Thompson, President pro tem. of the Senate:*

Your Committee on Enrolled Bills have carefully examined, compared and found correctly enrolled, Senate Bill No. 392, entitled, "An Act to provide for a regular term of the District Court in Rains county." The same has been properly signed and presented to the Governor this day at 10 o'clock A. M., for his approval. BALL, for Committee.

The President *pro tem.*, after reading their captions, signed the following bills:

Senate Bill No. 341—"An Act to exempt the persons and property of Indianola from payment of certain taxes."

Senate Bill No. 377—"An Act to relieve from taxation the property of certain citizens of Matagorda and Brazoria counties."

Senate Bill No. 392—"An Act to provide for a regular term of the District Court of Rains county."

House Bill No. 412—"An Act making an appropriation for deficiencies for the fiscal year beginning September 1, 1875, and ending August 31, 1876, and previous years."

House Bill No. 69—"An Act to provide for the election of Justices of the Peace, and to define their powers and jurisdiction."

House Bills Nos. 189 and 211—"An Act to carry into effect Sections 22 and 23, Article 16, of the Constitution of the State of Texas, authorizing the passage of stock and fence laws."

House Bill No. 203—"An Act supplementary to 'An Act to create and organize the county of Somerville,' approved March 13, 1875."

House Bill No. 434—"An Act making appropriations to defray the contingent expenses of the first session of the Fifteenth Legislature."

House Joint Resolution No. 281—"To lease to the Methodist Episcopal Church, South, a certain lot in Austin."

Senate Bill No. 322—"An Act to provide for holding of District Courts when the Judge thereof is absent, or is from any cause disabled, or disqualified from presiding."

On motion of Senator Piner, Senator McCormick was granted five days' leave of absence, commencing Thursday morning.

On motion of Senator Douglass, the rules were suspended, and Senate Bill No. 275, "An Act to encourage the construction of railroads in Texas, by donations of land," was taken up, and the House amendment thereto read.

Senator Smith in the chair.



Senator Brady moved that the Senate concur in the House amendment; which was to strike out Section 4 of the bill.

Senator Storey moved a call of the Senate.

Not seconded.

Senator Brady's motion to concur in House amendment was carried by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Burton, Douglass, Edwards, Grace, Henry J. R., Henry F. M., Ledbetter, McCulloch, Moore, Motley, Piner, Ripetoe, Smith, Terrell—17.

NAYS—Senators Francis, McCormick, Stephens, Storey—4.

NOT VOTING—Senators Crain, Ford, Thompson—3.

Senator Brown, who would have voted, "nay," paired off with Senator Martin, who was absent, and who would have voted, "aye."

Senator Edwards, by leave, presented the following explanation of his vote:

"I am in favor of retaining the section stricken out by the House, but believing that a failure to agree at this late day will defeat the passage of any bill to authorize the incorporation of railroads, I vote to concur in the amendment."  
P. F. EDWARDS."

Senator Henry of Cass moved to reconsider the vote just taken, and also to lay that motion on the table.

Senator Storey moved a call of the Senate.

Seconded.

Roll called.

ABSENT—Senators Crain, Ford.

Senator Brady moved that the call be suspended, but before the motion was put, Senator Henry withdrew his motion.

Senator Henry of Cass called up his resolution to go into an election for President *pro tempore* of the Senate.

On motion of Senator Douglass, the consideration of the resolution was postponed for twenty minutes.

On motion of Senator Douglass, the motion to reconsider the vote passing the resolution to adjourn on the 17th, was taken up, and the adoption of the resolution reconsidered by the following vote:

YEAS—Senators Ball, Blassingame, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Henry F. M., McCulloch, Moore, Motley, Piner, Ripetoe, Smith, Terrell—16.

NAYS—Senators Brady, Ledbetter, McCormick, Stephens, Storey—5.

NOT VOTING—Senators Brown, Burton, Crain, Thompson—4.

Senator Blassingame moved to strike out, "Thursday, the 17th," and insert in lieu thereof, "Monday, the 21st."

Adopted by the following vote:

YEAS—Senators Blassingame, Brown, Crain, Douglass, Edwards, Francis, Grace, Henry F. M., McCormick, McCulloch, Moore, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Thompson—17.

NAYS—Senators Ball, Burton, Ford, Henry J. R., Ledbetter—5.

NOT VOTING—Senators Brady, Terrell—2.

Senator Stephens moved to reconsider the vote just taken, and also to lay that motion on the table.

Carried, by the following vote:

YEAS—Senators Blassingame, Brady, Brown, Crain, Douglass, Edwards, Francis, Henry F. M., Ledbetter, McCormick, McCulloch, Moore, Motley, Ripetoe, Stephens, Storey, Thompson—17.

NAYS—Senators Ball, Burton, Ford, Grace, Henry J. R., Piner, Smith—7.

NOT VOTING—Senator Terrell—1.

On motion of Senator McCormick, the rules were suspended, and Senate Bill No. 391, "An Act to provide for the payment of claims for purchases of books, apparatus and furniture for the public free schools, made by Boards of School Directors, under the authority of an act entitled, 'An Act to establish a system of public free schools for the State of Texas,' approved August 13, 1870; and under 'An Act to organize and maintain a system of public free schools in the State of Texas,' approved April 24, 1871," was taken up.

On motion of Senator Burton, the Senate adjourned until 4 o'clock this afternoon.

#### AFTERNOON SESSION.

Senate met pursuant to adjournment. President *pro tem.* in the chair. Roll called. Quorum present.

Senator Edwards introduced a bill entitled, "An Act providing a mode for enforcing contracts of purchase and repair of public free school houses, accruing to the 18th day of August, 1876."

Read by caption and referred to Judiciary Committee No. 1.

Senate Bill No. 391, "An Act to provide for the payment of claims for purchase of books, apparatus and furniture, for the public free schools," etc., being the unfinished business, was taken up, and read first time.

Senator McCormick moved to suspend the rules, and place the bill on its second reading.

Carried by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Henry F. M., Ledbetter, Moore, Motley, Piner, Ripetoe, Stephens, Storey, Thompson—21.

NAYS—None.

NOT VOTING—Senators McCormick, McCulloch, Smith, Terrell—4.

Bill read second time and ordered engrossed.

Senator McCormick moved a still further suspension of the rules, to place the bill on its third reading.

Carried by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Henry F. M., Ledbetter, Moore, Motley, Piner, Ripetoe, Stephens, Storey, Thompson—21.

NAYS—None.

NOT VOTING—Senators McCormick, McCulloch, Smith, Terrell—4.

Bill read third time and passed by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Ledbetter, Moore, Motley, Piner, Ripetoe, Stephens, Storey, Terrell, Thompson—21.

NAYS—Senator Henry F. M.—1.

NOT VOTING—Senators McCormick, McCulloch, Smith—3.

Senator Storey, Chairman of Committee on Finance, by leave, submitted the following report:

*Hon. Wells Thompson, President pro tem. of the Senate:*

Your Committee on Finance have had under consideration House Bill



No. 386, "An Act to authorize the Comptroller to draw his warrant on the State Treasurer in favor of the county for the use and benefit of the county for all amounts that were illegally assessed and collected on account of the frontier tax of 1873, and paid into the State Treasury," and I am instructed by the committee to return the bill with the recommendation that it do not pass.

STOREY, *Chairman*.

*Hon. Wells Thompson, President pro tem. of the Senate :*

Your Committee on Finance have had under consideration House Bill No. 156, "An Act to enforce the collection of delinquent taxes upon lands assessed since January, 1870, and I am instructed by the committee to return the bill with the recommendation that the same do pass.

STOREY, *Chairman*.

On motion of Senator Blassingame, the rules were suspended, and Senate Bill No. 393, "An Act supplementary to and amendatory of 'An Act to make an appropriation for the fiscal year, beginning September 1, 1875, and ending August 31, 1876, and previous years,'" was taken up, and read first time.

Senator Edwards moved to suspend the rules and place the bill on its second reading.

Carried by the following vote :

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Henry F. M., Ledbetter, McCormick, McCulloch, Moore, Motley, Piner, Ripetoe, Stephens, Storey, Thompson—23.

NAYS—None.

NOT VOTING—Senators Smith, Terrell—2.

Bill read second time and ordered engrossed.

Senator Edwards moved a further suspension of the rules, to place the bill on its third reading.

Carried by the following vote :

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Henry F. M., Ledbetter, McCormick, McCulloch, Moore, Motley, Piner, Ripetoe, Stephens, Storey, Thompson—23.

NAYS—None.

NOT VOTING—Senators Smith, Terrell—2.

The bill was read third time, and passed by the following vote :

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Henry F. M., Ledbetter, McCormick, McCulloch, Moore, Motley, Piner, Ripetoe, Stephens, Storey, Thompson—23.

NAYS—None.

NOT VOTING—Senators Smith, Terrell—2.

A message was received from the House, announcing the passage by that body of the following bills :

Senate Bill No. 79—"An Act to provide for supplying the State Capitol building and grounds with water."

Substitute for Senate Bill No. 104—"An Act to regulate fees of Committing Magistrates and Sheriffs in committing courts."

Senate Bill No. 330—"An Act to provide District and County Surveyors with offices in the various districts and counties in the State."

Senate Bill No. 255—"An Act to provide for the resumption by the

State of the possession and control of the State Penitentiary at Huntsville; and of all the property and convicts belonging thereto, and to provide for the settlement of all matters between the lessees and State growing out of the termination of the lease of said penitentiary, and to provide for the management and control of said penitentiary and convicts after the termination of said lease, and to make the necessary appropriations therefor."

Senate Bill No. 262—"An Act to reserve from location, in the event of forfeiture, of the public domain now reserved for the benefit of railroad companies."

House Bill No. 27—"An Act regulating interest."

Also, that the House has concurred in Senate amendments to House Bill No. 263—"An Act to levy a tax on dogs, and to provide for the assessment and collection of the same."

Senator Piner, by leave, introduced a bill to be entitled: "An Act to prevent the forgery of titles to lands."

Read by caption, and referred to Judiciary Committee No. 2.

The President *pro tem.*, after reading its caption, signed Senate Bill No. 144: "An Act to provide for the incorporation of associations that may be organized for the purpose of constructing railways, maintaining and operating the same; for prescribing and defining the duties, and limiting the powers of such corporations when so organized."

The following House Bills were taken up, and referred to appropriate committees:

House Bill No. 437—"An Act to better regulate grand juries and juries in civil and criminal cases in the courts of the State, and to amend Sections 9 and 17 of an act entitled, 'An Act to regulate grand juries and juries in civil and criminal cases in the courts of the State,' approved August 1, 1876."

Referred to Judiciary Committee No. 1.

House Bill No. 438—"An Act supplementary to an act entitled, 'An Act to fix the terms of the District Courts for the Seventeenth Judicial District, including the county of McCulloch,' approved July 29, 1876."

Referred to Judiciary Committee No. 1.

Senator Grace, Chairman of the Committee on Enrolled Bills, submitted the following report:

*Hon. Wells Thompson, President pro tem. of the Senate:*

Your Committee on Enrolled Bills have carefully examined, compared and found correctly enrolled, Senate Bill No. 322, entitled, "An Act to provide for the holding of District Courts when the Judge is absent, or is from any cause disabled, or disqualified from presiding."

The same has been properly signed and presented to the Governor, this day, at 11:45 o'clock A. M., for his approval.

GRACE, *Chairman.*

On motion of Senator Moore, the rules were suspended, and Senate Bill No. 388, "An Act to change the Tenth, Twelfth and Thirteenth Judicial Districts and to create the Twenty-eighth Judicial District, and to fix the terms of court in the same," was taken up, and read the second time.

Senator Ball offered the following amendment:

Strike out the words, "Parker, Hood, Somerville, Palo Pinto, Jack,

Montague, Clay, Wise, Tarrant and Young," wherever they occur in the bill.

Senator Stephens offered the following as an amendment to Senator Ball's amendment:

Strike out Sections 5 and 6.

Senator Edwards moved the previous question, which was seconded and the main question ordered.

Senator Ball's amendment, as amended, was then lost by the following vote:

YEAS—Senators Ball, Douglass, Ford, Grace, Ledbetter, McCulloch, Motley, Stephens, Terrell Thompson—10.

NAYS—Senators Blassingame, Brady, Brown, Crain, Edwards, Francis, Henry J. R., McCormick, Moore, Ripetoe, Smith, Storey—12.

NOT VOTING—Senators Burton, Henry F. M., Piner—3.

The bill was then ordered engrossed by the following vote:

YEAS—Senators Blassingame, Brady, Brown, Burton, Crain, Edwards, Henry J. R., McCormick, Moore, Piner, Ripetoe, Smith, Storey, Thompson—14.

NAYS—Senators Ball, Douglass, Francis, Ford, Grace, Ledbetter, Motley, Stephens, Terrell—9.

NOT VOTING—Senators Henry F. M., McCulloch—2.

The President *pro tempore*, after reading its caption, signed House Bill No. 160, "An Act fixing the times of holding the District Courts of the Seventh Judicial District of the State of Texas."

On motion of Senator Crain, the rules were suspended, and Senate Bill No. 217, "An Act to encourage stock raising and for the protection of stock raisers," was taken up, and amendments of the House read.

On motion of Senator Brady, the amendments of the House were taken up *seriatim* for consideration.

On motion of Senator Grace, the consideration of the amendments was postponed until to-morrow, at 9 o'clock A. M.

Senator Grace, Chairman of the Committee on Enrolled Bills, submitted the following report:

*Hon. Wells Thompson, President pro tem. of the Senate:*

Your Committee on Enrolled Bills have carefully examined, compared, and found correctly enrolled Senate Bill No. 144, entitled, "An Act to provide for the incorporation of associations that may be organized for the purpose of constructing railways, maintaining and operating the same; for prescribing and defining the duties, and limiting the powers of such corporation when so organized." The same has been properly signed and presented to the Governor, this day, at 5 o'clock P. M., for his approval.

GRACE, Chairman.

*Hon. Wells Thompson, President pro tem. of the Senate:*

Your Committee on Enrolled Bills have carefully examined, read and compared, and found correctly enrolled, Senate Bill No. 341, entitled, "An Act to exempt the persons and property of Indianola from payment of certain taxes;" also, Senate Bill No. 377, entitled, "An Act to relieve from taxation the property of certain citizens of Matagorda and Brazoria counties," and same have been properly signed and presented to the Governor this day, at 5 o'clock P. M., for his approval.

GRACE, Chairman.



Senator Edwards, from Committee on Engrossed Bills, submitted the following report:

*Hon. Wells Thompson, President pro tem. of the Senate:*

Your Committee on Engrossed Bills have carefully read, examined and compared Senate Bill No. —, "An Act supplemental to and amendatory of 'An Act to make an appropriation for the fiscal year beginning September 1, 1875, and ending August 31, 1876, and previous years,'" and find the same correctly engrossed.

EDWARDS, *for Committee.*

Senator Francis in the chair.

On motion of Senator Brown, the rules were suspended, and House Bill No. 343, "An Act to amend an act entitled, 'An Act for the protection of the wool-growing interest of the State,'" approved May 2, 1874, was taken up, and read first time.

Senator Piner, Chairman of Judiciary Committee No. 2, submitted the following reports:

*Hon. Wells Thompson, President pro tem. of the Senate:*

Your Judiciary Committee No. 2, to whom was referred Senate Bill No. 397, "An Act to prevent the forgery of titles to lands," have had the same under consideration, and beg leave to report it back, and recommend that it do pass.

PINER, *Chairman.*

*Hon. Wells Thompson, President pro tem. of the Senate:*

Your Judiciary Committee No. 2, to whom was referred House Bill No. 406, "An Act to authorize the Commissioners' Courts to procure buildings for the use of the County Courts in certain cases," have had the same under consideration, and beg leave to report it back, and recommend that it do pass.

PINER, *Chairman.*

Senator Edwards introduced a bill to be entitled: "An Act to provide for the manner of purchasing fuel for the use of the Legislature and other departments of the government (except the Judicial Department) by contract."

Read by caption and referred to Judiciary Committee No. 1.

Senator Douglass, from Special Committee on Elections, submitted the following report:

*Hon. Wells Thompson, President pro tem. of the Senate:*

Your Select Committee, to whom was referred Senate Bill No. 394, "An Act to regulate elections," have had the same under consideration, and instruct me to report the same back, with the accompanying amendment, and recommend that the bill, as amended, do pass.

DOUGLASS, *Chairman.*

Add to Section 15 the following: "That the residence of a married man, if not separated from his wife, shall be where his family resides; and that of a single man, where he boards and sleeps; and should any single man board in one ward or precinct and sleep in another, then his residence shall be in the ward or precinct in which he sleeps, and he shall not vote in any other precinct or ward. And it shall be the duty of the Judge of Elections, when requested by any bystander, to swear any person offering to vote, as to his residence, and to have placed in writing opposite his name the word, 'sworn;' and any person voting at any other place than that of his residence, shall be guilty of a misdemeanor,

and upon conviction thereof, shall be fined not exceeding one thousand dollars, or imprisoned in the county jail not exceeding six months, at the discretion of the jury."

On motion of Senator Smith, the Senate adjourned until to-morrow morning at 9 o'clock.

## ONE HUNDRED AND SECOND DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, August 16, 1876. }

Senate met pursuant to adjournment. President *pro tem.* in the chair. Roll called. Quorum present. Prayer by the Chaplain.

Journal of yesterday adopted.

Senator Stephens presented the petition of the Commissioner's Court of Bandera county, asking that the County Court law, requiring the County Judges to keep their offices at the county seat, and to attend he same daily, and to not leave the county for more than twenty days at one time, be changed, as it will prevent frontier counties from getting competent men; also, asking the Legislature to not pass a law permitting the taxes of out-county land to be paid anywhere except in the counties where the property is situated, giving many reasons therefor.

Read and referred to Judiciary Committee No. 1.

The President *pro tem.*, after reading its caption, signed Senate Bill No. 275, "An Act to encourage the construction of railroads in Texas, by donations of land."

Senator Terrell, Chairman of the Committee on Education, submitted the following report:

*Hon. Wells Thompson, President pro tem. of the Senate:*

Your Committee on Education, to whom was referred Senate Bill No. 216, "An Act to establish and provide for the support and maintenance of an efficient system of public free schools," have had the same under consideration, and instruct me to report the same back, with the House amendments thereto, and recommend that the Senate concur in said amendments.

TERRELL, *Chairman.*

Senator Stephens, from the Committee on State Affairs, submitted the following report:

*Hon. Wells Thompson, President pro tem. of the Senate:*

Your Committee on State Affairs have had under consideration Senate Joint Resolution No. 396, "To authorize the Governor to send a committee of three Senators to Wharton county, to investigate the late disturbances in said county," and instruct me to report the same back, with the recommendation that it do not pass.

STEPHENS, *for Committee.*

Senator Stephens introduced a bill entitled, "An Act to repeal Section 6 of an act to encourage the construction of canals and ditches for navigation and irrigation, approved March 10, 1875; and to validate locations and surveys within the reservations created by said section."

Read by caption, and referred to the Committee on State Affairs.

House Bill No. 27, "An Act regulating interest," was taken up by the President *pro tem.*, and referred to the Committee on Finance.